

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules to)	WT Docket No. 05-314
Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	

**COMMENTS OF CTIA – THE WIRELESS ASSOCIATION® ON REQUEST OF
CENTENNIAL COMMUNICATIONS CORP. FOR LIMITED WAIVER/EXTENSION
OF LOCATION-CAPABLE HANDSET PENETRATION DEADLINE**

CTIA – The Wireless Association® (“CTIA”)¹ submits these comments in support of Centennial Communications Corp. (“Centennial”) Request for Limited Waiver/Extension of the December 31, 2005 Enhanced 911 (“E911”) implementation deadline.² For the reasons set forth by CTIA and the Rural Cellular Association (“RCA”) in their Joint Petition,³ the Commission should suspend the December 31, 2005 deadline for 95 percent penetration of location-capable handsets, and provide Centennial additional time to meet the penetration threshold.⁴

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS and ESMR, as well as providers and manufacturers of wireless data services and products.

² Request of Centennial Communications Corp. for Limited Waiver/Extension of Location-Capable Handset Penetration Deadline, CC Dkt. No. 94-102 (Nov. 3, 2005) (“Centennial Request”). *See* Section 20.18(g)(1)(v) of the Commission’s Rules (requiring Centennial to achieve 95 percent penetration of location-capable handsets by December 31, 2005).

³ Joint Petition of CTIA-The Wireless Association and the Rural Cellular Association for Suspension or Waiver of the Location-Capable Handset Penetration Deadline, CC. Dkt. 94-102 (June 30, 2005) (“CTIA/RCA Petition”).

⁴ Centennial seeks an additional 12 months with respect to its Puerto Rican service area to achieve 95 percent penetration of location capable handsets. Centennial Request at 4, 9.

I. GRANTING LIMITED RELIEF TO CENTENNIAL SERVES THE PUBLIC INTEREST

CTIA supports the Commission's wireless E911 goals, including the ubiquitous deployment of Phase II location capabilities. Centennial has been vigilant in its efforts to comply with the Commission's rules, has initiated a complete system upgrade in Puerto Rico, has worked quickly and cooperatively with the sole PSAP in Puerto Rico, and has increased its line-up of available handsets to twelve compliant models.⁵ Centennial has made enormous progress in achieving the interim benchmarks laid out in section 20.18(g), but has faced considerable complications beyond its control which will prevent it from meeting the requirement that it achieve 95 percent penetration of location-capable handsets by December 31 of this year.⁶

Centennial seeks an extension of the December 31 deadline as a result of sizeable difficulties it has encountered in upgrading its system from a network-based to a handset-based solution.⁷ Centennial anticipates it will achieve the 95 percent benchmark by December 31, 2006 and seeks to defer its obligation to comply with the penetration rule until that date.⁸

In support of its request, Centennial has identified the following roadblocks to meeting the Commission's 95 percent penetration rule: progress in achieving customer penetration of

⁵ See Centennial Request at 2, 7. The Commission itself has "recognized that the E911 deployment schedule was aggressive in light of the need for further technological advancement . . ." *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, Order to Stay, 17 FCC Rcd 14841, 14842 ¶ 5 (2002) ("*Non-Nationwide Stay Order*") (citing *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, FOURTH MEMORANDUM OPINION AND ORDER, 15 FCC Rcd 17442, 17457-58 (2000)).

⁶ 47 C.F.R. § 20.18(g). See Centennial Request at 2-3, 6.

⁷ See Centennial Request at 2-3.

⁸ See *id.* at 4.

GPS-enabled handsets,⁹ implementation of a technology upgrade,¹⁰ the topography of Puerto Rico,¹¹ customer resistance to handset upgrades,¹² and equipment compatibility problems between carriers and the sole PSAP.¹³

Centennial has been diligent in its compliance efforts, and has substantially complied with the interim requirement that all new digital handsets activated on its network are location capable.¹⁴ Contrary to the Commission's assumptions regarding churn and handset replacement, it has become clear that the majority of carriers will be unable to satisfy the 95 percent penetration threshold by the end of this year.¹⁵ Notwithstanding promotional campaigns and other carrier efforts, a greater than anticipated percentage of wireless consumers have demonstrated their reluctance to surrender their non-location capable handsets for GPS-equipped phones.

The nature of the Centennial's subscriber base, including many low-volume cellular users, has resulted in considerably lower churn than expected by Centennial or the

⁹ *See id.* at 5-6.

¹⁰ *See id.* at 6.

¹¹ *See id.*

¹² *See id.*

¹³ *See id.* at 2.

¹⁴ *See id.* at 3; *See* Eleventh Quarterly Report of Centennial Communications Corp. on E911 Compliance at 4. 47 C.F.R. § 20.18(g)(ii)-(iv).

¹⁵ *See* Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, THIRD REPORT AND ORDER, CC Dkt. No. 94-102, at ¶ 51 (1999) ("Third Report and Order"). *See also* Verizon Wireless, Request for Limited Waiver, CC Dkt. No. 94-102 (Oct. 17, 2005); Sprint Nextel Corporation, Sprint Nextel Corporation Request for Limited Waiver, CC Docket No. 94-102 (Sept. 29, 2005); Alltel Corporation, Alltel Corporation Petition for Limited Waiver, CC Dkt. No. 94-102 (Sept. 30, 2005); SouthernLINC Wireless, Request for Waiver by SouthernLINC Wireless, CC Dkt. 94-102 (July 26, 2005); Cellular South Licenses, Inc., Request for Limited Waiver and Extension of the Handset Penetration Deadline of the Commission's Phase II E911 Rules, CC Dkt. 94-102 (Sept. 20, 2005).

Commission.¹⁶ Consumer resistance to swapping out handsets is especially true for Centennial's subscribers in Puerto Rico, the majority of whom declined to replace their handsets after recently being notified that their five-year old handsets would not work properly due to upcoming system changes.¹⁷ Despite Centennial's efforts to notify existing customers in Puerto Rico of the critical need to swap their handsets and the offering of a variety of attractive new phones with Phase II location capabilities, many customers are often unwilling to trade.¹⁸

As the National Association of Regulatory Utility Commissioners ("NARUC") has observed in its comments in support of the CTIA/RCA Petition, there are legitimate reasons why the Commission should not enforce its rules in a manner that forces consumers to give up their handsets unwillingly.¹⁹ Accordingly, the public interest will be served by the grant of limited relief to ensure that wireless customers who do not want to replace their non-location capable handsets are not needlessly burdened.²⁰ CTIA urges the Commission to extend the December 31, 2005 E911 implementation deadline for Centennial. For the reasons set forth in the CTIA/RCA Petition, CTIA also requests that the Commission extend the penetration deadline for all wireless

¹⁶ See Centennial Request at 6.

¹⁷ See *id.*

¹⁸ See *id.* 7.

¹⁹ In its comments, NARUC maintains that strict adherence to current E911 rules would mean "[m]any wireless customers in rural America will not immediately benefit" when required to "involuntarily surrender their otherwise safe, reliable and usable wireless handsets" and the level and availability of wireless E911 service to certain rural wireless customers might in fact decrease. See NARUC, Initial Comments of the National Association of Regulatory Utility Commissioners Supporting the Joint Petition for Suspension or Waiver of the Location-Capable Handset Penetration Deadline, WT Dkt. 05-288 at 5 (Oct. 17, 2005) ("NARUC E911 Waiver comments").

²⁰ See Centennial Request at 8 (explaining that the only way for Centennial to achieve 95 percent penetration by the deadline would be to force Centennial subscribers to upgrade their services by terminating service to all non-compliant handsets).

carriers that have shown a good faith effort to comply with the rules by satisfying the 100 percent digital activation requirement.²¹

II. CENTENNIAL HAS DEMONSTRATED GOOD CAUSE TO GRANT LIMITED RELIEF OF THE HANDSET PENETRATION DEADLINE

Wireless carriers that have made a good faith effort to comply with the Commission's rules should not be penalized for factors the Commission and carriers could not have anticipated when the handset penetration deadline was established. As Centennial describes in its petition, it is in the process of revamping its entire network in Puerto Rico, upgrading from a network-based to a handset-based solution, thus potentially improving the overall system reliability and location accuracy.²² Clearly, Centennial's inability to meet the penetration deadline is not a result of its failure to work conscientiously to roll out Phase II service, but rather reflects the challenges it has encountered implementing a complete overhaul of its system and consumers' complacency with their service and handsets which makes them resistant to change.

CTIA respectfully requests that the Commission grant Centennial's limited waiver as the carrier has demonstrated good cause. Centennial's requested relief is specific, limited and narrow in scope, in that it only addresses the upcoming December 31 deadline for its service area in Puerto Rico, and seeks no other extensions or waivers of the FCC's rules.²³ Centennial is on track to satisfying the 95 percent penetration benchmark²⁴ and asks for an additional twelve months to come into full compliance with the Commission's rules. During the period,

²¹ See CTIA/RCA Petition at 1. 47 C.F.R. § 20.18(g)(iv). See also NARUC E911 Waiver comments.

²² See Centennial Request at 6.

²³ See *id.* at 4.

²⁴ Centennial reports a penetration rate of at least 79 percent and anticipates meeting or exceeding 83 percent penetration of GPS phones by December 31, 2005. See *id.* at 3, 5, Exhibit 1.

Centennial has pledged to continue maintenance of its network-based E911 solution in Puerto Rico until December 31, 2006, ensuring both that its subscribers will have uninterrupted E911 access during the transition and that the public interest will not be adversely impacted by grant of the waiver.²⁵

CONCLUSION

For the foregoing reasons, CTIA supports Centennial's request for limited waiver seeking relief of the Commission's 95 percent penetration rule. CTIA also advocates suspension of the ALI-capable handset penetration deadline for all similarly situated wireless carriers whose digital wireless activations are 100 percent location-capable as of December 31, 2005.

Respectfully submitted,

CTIA - The Wireless Association™

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²⁵ See Centennial Request at 3, 8.

CERTIFICATE OF SERVICE

I, Marlea Leary, do hereby certify that on this 21st day of November 2005, I caused copies of the foregoing **COMMENTS** to be delivered to the following by electronic mail:

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